

REMARKS

Claims 1-54 are pending in the application. Claims 1, 14, 23, and 46 are independent. No new matter has been added by the amendments. Applicants respectfully request reconsideration of the present application.

I. Allowable Subject Matter

Applicant thanks the Examiner for indicating that claims 2, 3 and 9-13 would be allowable if rewritten to overcome the section 112 rejection and to include all of the limitations of the base claim and any intervening claim. As discussed below, the amendment to claim 1 obviates the rejection of claims 2, 3 and 9-13 under section 112.

Applicant also thanks the Examiner for indicating that claims 14-22 would be allowable if rewritten to overcome the section 112. As discussed below, the amendment to claim 14 obviates the rejection of claims 14-22 under section 112. Thus, claims 14-22 are now in condition for allowance.

II. Claim Objections

Applicant thanks the Examiner for noticing the typographical errors in claims 1, 8, 14, and 22. The claims have been amended to fix the typographical errors

III. Rejection of Claims 1-22 under 35 U.S.C. 112, second paragraph

Applicant has amended claims 1 and 14 such that the claims no longer recite "about the same time." Accordingly, Applicant respectfully submits that the rejection is moot.

IV. Rejection of Claims 1 and 4-8 under 35 U.S.C. 103(a)

Claims 1 and 4-8 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds (US 7020888) in view of Ishiai (US 2002/0021708). Applicant respectfully disagrees.

Claim 1

With respect to claim 1, claim 1 is patentable over Reynolds in view of Ishiai because neither reference, considered alone or in combination, teach or suggest all of the feature of claim 1. For example, at the least, neither reference, considered alone or in combination, teach or suggest a “video subsystem [that] is configured to generate a video image specification based, at least in part, on pre-defined configuration data and information included in the trigger message, and is configured to generate the video image specification in response to receiving the trigger message,” as is required by claim 1.

As the Office correctly notes, Reynolds does not teach or suggest this feature. However, the Office contends that Ishiai makes up for the deficient teachings of Reynolds. Applicant respectfully disagrees.

Ishiai discloses a system for directly transmitting audio/video (AV) data (i.e., a file containing AV data) from a first video server 1, which is controlled by a first computer 2, to a second video server 3, which is controlled by a second computer 4. See Ishiai figure 2.

As disclosed in Ishiai, computers 2 and 4 negotiate with each other to control the direct transfer of AV data from the first video server 1 to the second video server 3. In order to transfer AV data from video server 1 to video server 3, computer 2 communicates with computer 4, which controls video server 3. More specifically, computer 2 transmits a clip ID to computer 4. See Ishiai 0087 (“the information of the AV data which is transferred from the video server 1 to the video server 3 is notified from the computer apparatus 2 to the computer apparatus 4. “Clip” ... is similar to the AV data (AV file).”).

While Ishiai discloses computer 2 sending to computer 4 a message that includes an identifier identifying selected AV data, nowhere does Ishiai teach or suggest that computer 4 performs the step of “generat[ing] a video image specification based, at least in part, on pre-defined configuration data and information included in the trigger message” in response to receiving the message from computer 2. Accordingly, even if we assume for the sake of argument that computer 2 disclosed in Ishiai is an audio subsystem and computer 4 disclosed in Ishiai is a video subsystem, Ishiai does not teach or suggest a “video subsystem [that] is configured to generate a video image specification based, at least in part, on pre-defined configuration data and information included in the trigger message, and is configured to generate the video image specification in response to receiving the trigger message,” as is

required by claim 1. Thus, Ishiai does not make up for the deficient teachings of Reynolds. Applicant, therefore, respectfully requests that the rejection of claim 1 be withdrawn.

Claim 4

With respect to claim 4, claim 4 depends from claim 1. Thus, the above remarks for claim 1 apply to claim 4.

Furthermore, claim 4 requires that “the video image specification comprises a visual media asset identifier.” This feature is neither taught nor suggested by either Reynolds or Ishiai. In rejecting claim 4, the Office does not even specifically allege that any of Reynolds or Ishiai teach or suggest a video image specification, let alone a “video image specification [that] comprises a visual media asset identifier,” as required by claim 4. Rather, the Office merely states,

the combination of Reynolds and Ishiai further teaches that the provided audio/video data associated with clip ID, title, description, and duration from one server to another, and the retrieved or processed audio/video data is transmitted to receiver from the delivery system, wherein each stream record includes a unique ID, media type, each depend streams having a unique stream ID which is required to access/use the stream, etc. (see Reynolds: col. 7, lines 14-54 and figures 1-2; Ishiai: 0073).

Office Action, page 5.

Accordingly, the Office has not set forth a prima facie case of obviousness because the Office does not allege that either reference teaches or suggests the feature of claim 4. The reason the Office does not allege that either reference discloses the feature of claim 4 is clear to the Applicant. Neither Reynolds nor Ishiai teach or suggest the feature. Applicant, therefore, respectfully requests that the rejection of claim 4 be withdrawn.

Claim 5

With respect to claim 5, claim 5 depends from claim 4. Thus, the above remarks for claims 1 and 4 apply to claim 5.

Furthermore, claim 5 requires that “the second transmission system is configured to retrieve from the storage unit the visual media asset identified by the visual media asset identifier and use the visual media asset in generating the video image after receiving the

video image specification.” This feature is neither taught nor suggested by either Reynolds or Ishiai. In rejecting claim 5, the Office does not even specifically allege that any of Reynolds or Ishiai teach or suggest this feature. Rather, the Office merely states,

the combination of Reynolds and Ishiai further teaches that the provided audio/video data associated with clip ID, title, description, and duration from one server to another, and the retrieved or processed audio/video data is transmitted to receiver from the delivery system, wherein each stream record includes a unique ID, media type, each depend streams having a unique stream ID which is required to access/use the stream, etc. (see Reynolds: col. 7, lines 14-54 and figures 1-2; Ishiai: 0073).

Office Action, page 5.

Accordingly, the Office has not set forth a prima facie case of obviousness. Applicant, therefore, respectfully requests that the rejection of claim 5 be withdrawn.

Claim 6

With respect to claim 6, claim 6 depends from claim 1. Thus, the above remarks for claim 1 apply to claim 6.

Furthermore, claim 6 requires that “the pre-defined configuration data comprises a plurality of identifiers ... and associates a set of visual media asset identifiers with each of the plurality of identifiers.” This feature is neither taught nor suggested by either Reynolds or Ishiai. In rejecting claim 6, the Office does not even specifically allege that any of Reynolds or Ishiai teach or suggest the features of claim 6. Rather, the Office merely states,

the combination of Reynolds and Ishiai further teaches that the provided audio/video data associated with clip ID, title, description, and duration from one server to another, and the retrieved or processed audio/video data is transmitted to receiver from the delivery system, wherein each stream record includes a unique ID, media type, each depend streams having a unique stream ID which is required to access/use the stream, etc. (see Reynolds: col. 7, lines 14-54 and figures 1-2; Ishiai: 0073).

Office Action, page 5.

Accordingly, the Office has not set forth a prima facie case of obviousness. Applicant, therefore, respectfully requests that the rejection of claim 6 be withdrawn.

Claims 7 and 8

With respect to claims 7 and 8, these claims depend from claims 1 and 6. Thus, the above remarks for claims 1 and 6 apply to claims 7 and 8.

V. Rejections of Claim 23 under 35 U.S.C. 102(e)

Claim 23 stands rejected under 35 U.S.C. 102(e) as being anticipated by Schrader (US 20030023975). Schrader has an actual filing date of June 28, 2002, which is after the actual filing date of the present application. However, Schrader is a continuation-in-part of U.S. Pat. Application No. 09/903,973 (the '973 application), which published as US2002/0157099 and has a filing date of July 12, 2001, which is before the actual filing date of the present application. Accordingly, subject matter disclosed in Schrader anticipates claim 23 if, and only if, the subject matter is also disclosed in the '973 application.

In rejecting claim 23 as being anticipated by Schrader, the Office relies on the following paragraphs of Schrader: 0046-0049, 0098, and 0109. Applicant respectfully submits that the subject matter disclosed in paragraphs 0046-0049, 0098, and 0109 of Schrader is not found in the '973 application. Thus, this subject matter can not be used to invalidate claim 23 because it is not 102(e) prior art.

Paragraphs 0046-0049 describe features of a "Music Content Aggregator 402(4)." Applicant has reviewed the '973 application and could find no discussion of the Music Content Aggregator or any similar component, let alone even any mention of the existence of a "Music Content Aggregator."

Paragraph 0098 describes a "navigation screen 1000," which is reproduced below for the convenience of the Examiner.

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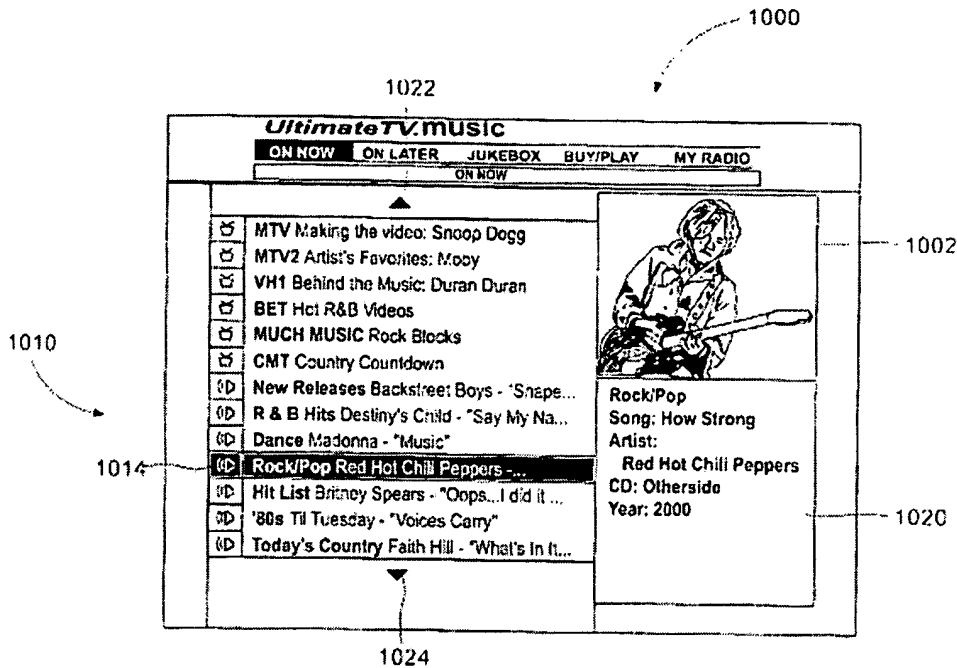


FIG. 10

Applicant has reviewed the '973 application and could not find any drawing that contains a navigation screen identical to the one shown above. The closest the '973 application comes to disclosing a navigation screen similar to the one shown above is the navigation screen shown in FIG. 16, which is reproduced below.

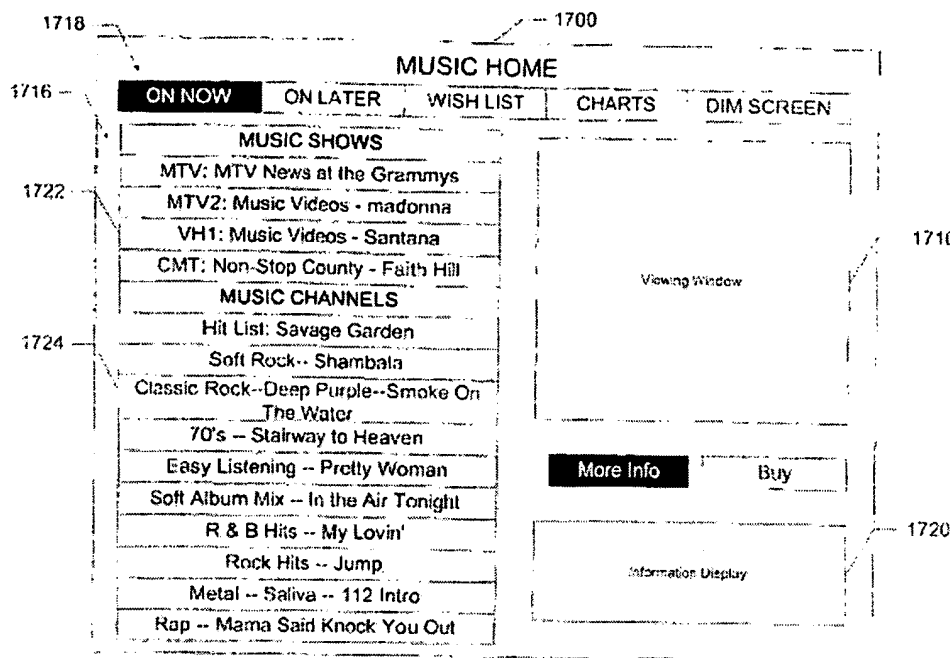


FIG. 16

The above navigation screen is described at paragraph 0105 of the '973 application, which is reproduced below.

[0105] Similarly, the invention also has applicability to television programming other than sports programming. For example, the invention may also be deployed in the context of music, movies and news selections. FIG. 17 [sic] illustrates a user interface 1700 for navigating music entertainment programs according to another embodiment of the invention. This embodiment is particularly suited to output stereo sound to the audio system 126 shown in FIG. 5. In this embodiment, a navigation guide includes a program viewing window 1710, a navigation guide area 1716, and a coarse navigation area 1718 presenting a listing of types of music programs. While these programs in some instances are currently offered as television programs, they may also include digital radio programs. Thus, the navigation guide area presents currently available music television channels and provides in-progress information such as what video is currently playing, such as a "VH1: Music Videos--Santana" offering 1722. Optionally, the navigation guide area also presents currently available digital radio programs such as a "Classic Rock" offering 1724 and lists real-time information such as what song is currently being played on a specific channel. As with the above embodiments, the display may also be used to

present tunable Alerts. Other Alerts are used to
invoke particular actions by the client system.

Paragraph 0105 of the '973 application does not disclose all of the features of claim 23. For example, there is no mention of a "a data structure that associates one or more of the plurality of video images with the selected sound recording, wherein at least one of the one or more video images that are associated with the selected sound recording is associated with a time duration," as recited in claim 23.

Lastly, like paragraphs 0046-0049, paragraph 0109 of Schrader describes features of the Music Content Aggregator. As discussed above, the '973 application does not describe, let alone even mention, a "Music Content Aggregator."

Accordingly, applicant respectfully submits that the subject matter disclosed in paragraphs 0046-0049, 0098, and 0109 of Schrader is not found in the '973 application. Thus, even if we assume for the sake of argument that the subject matter of paragraphs 0046-0049, 0098, and 0109 of Schrader anticipates claim 23 (it does not), the subject matter can not be used to invalidate claim 23 because it is not 102(e) prior art. Applicant, therefore, respectfully requests that the rejection of claim 23 be withdrawn.

VI. New Claims


New dependent claims 24-45 are added. Claims 24-45 depend from claim 23.

New independent claim 46 is added. Claim 46 is believed to be patentable in view of the prior art because the prior art does not teach or suggest all of the features of claim 46.

CONCLUSION

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections, and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

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